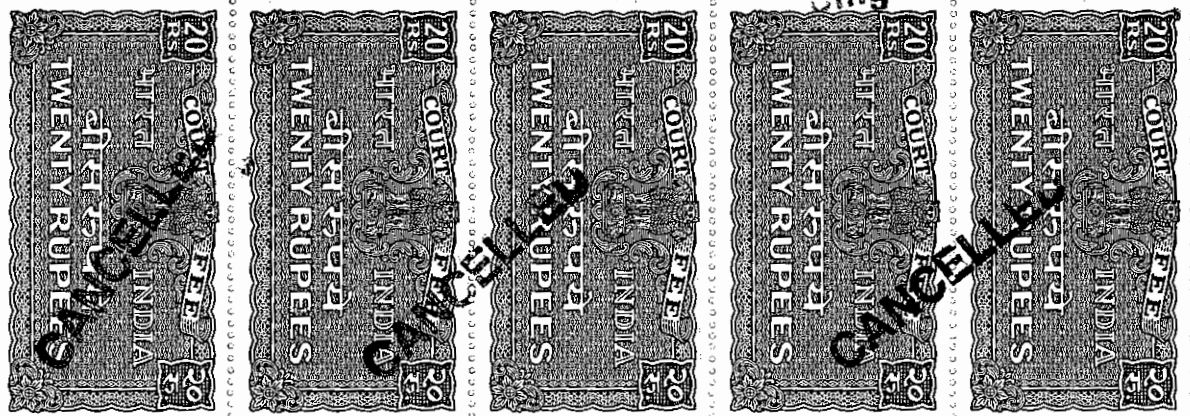




IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(3) *Chlor*

Writ Petition No. 667/2005

PETITIONER

RR. No. 646/05
Presented by Smt. Minny Pandey
dated 17.12.05

Smt. Ramhin Bai,
W/o Shri Makhanlal,
Aged about 45 years,
Chairperson, Harijan Mahila
Sahkari Samiti, R/o Village- Basin
Barbhata, Tahsil - Rajim,
District- Raipur (C.G.).

- Versus-

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary,
Department of Mineral Resources,
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.).
2. Collector,
Raipur (C.G.).
3. Shri Nakcheda,
S/o Shri Dukalu,
Age not known,
R/o Barbhata Basin, Tahsil- Rajim,
District- Raipur (C.G.).

RECEIVED
CLERK TO H. C. RAIPUR
17.12.05
Bilaspur
17/12/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE
WRIT/DIRECTION OR ORDER IN THE MATTER TO DO THE
JUSTICE

Details of the petition.

1. PARTICULAR OF THE PETITIONER :

As per cause title.

आदेश पत्रक

मामला क्रमांक ७९...६६१/०५... सन् २००

..... विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	3.3.2005 Shri Vinay Pandey, counsel for the petitioner. Shri Sanjay S Agarwal, Govt. Adv. for respondent No.1 & 2. The petitioner has preferred this petition being aggrieved by order dated 14.12.2004 (Annexure P-7) passed by learned Principal Secretary, Mining Department, State of Chhattisgarh whereby the Principal Secretary has rejected the revision preferred by the petitioner on the ground of barred by limitation. Brief facts leading to filing of this petition are that the petitioner's Samiti was granted lease for mining operation of limestone on the revenue land bearing Khasra No.88/1 admeasuring 1.40 acres situated in Village Basin, Tahsil Rajim, District Raipur for the period from 2.9.1997 to 1.9.2002. On 31.8.2001 the petitioner's Society moved an application for renewal of the said mining lease. Since no order regarding renewal was passed within a period of one year from the date of filing of the application as per sub-rule (2) of Rule 18 of Mines & Mineral Rules, 1996 the said application was deemed to have been rejected and mining area was declared open. Aggrieved therewith the petitioner herein moved a revision before the Principal Secretary on 21.3.2003 and learned Secretary held that since the application for renewal was deemed to have been rejected on 1.9.2002 as per provisions of sub-rule (2) of Rule 18 of Rules, 1996, the petitioner ought to have moved the revision within a period of 60 days from 1.9.2002, but the same has been presented on 21.3.2003 therefore, being time barred revision was rejected.	

आदेश पत्रक

मामला क्रमांक 661/25 सन् 200

..... विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-2- Learned counsel for the petitioner argued that the petitioner being an illiterate lady was not aware of the legal position, moreover, as per provisions of Rule 59 of Rules, 1996 the period of limitation starts from the date of communication of the order and in this case no communication about the rejection was sent, therefore, the petitioner was under impression that petition is in limitation. He further argued that even otherwise learned Secretary ought to have permitted the petitioner to move an application for condonation of delay in filing the revision petition and ought to have decided the revision on its merits. Having heard learned counsel for the parties and having regard to the peculiar facts and circumstances of the case, the impugned order dated 14.12.2004 (Annexure P-7) is set aside and remanded back to the Principal Secretary before whom the petitioner is directed to move an application for condonation of delay in filing the revision and in turn learned Principal Secretary will decide the application and revision both after considering the points raised by the petitioner and after hearing the objector also. With the direction aforesaid, the petition stands disposed of. Consequently, M.W.P. No.539/2005, I.A. Nos.1368/05 & 1369/05 also stand disposed of. Certified copy as per rules.	

Sd/-
L.C.BHADOO
Judge

(पीछे देखिये)

Roshan

26/9/12

5/3/05
18/2/05